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January 15, 2013

FILE NO: 74096.000007

VIA EMAIL AND OVERNIGHT MAIL

Mr. Peter Magolske
U.S. Environmental Protection Agency
Office of Compliance and Enforcement, M/S OCE-127
1200 Sixth Avenue, Suite 900
Seattle, WA 98101

Mr. Brian Monson
Idaho Department of Environmental Quality
1410 North Hilton Street
Boise, ID 83706



**Re: Quarterly Progress Report – Fourth Quarter 2012
Administrative Order on Consent for Nu-West CPO Facility
Docket No. RCRA-10-2009-0186**

Dear Mr. Magolske and Mr. Monson:

In accordance with Paragraph No. 72 of the above-referenced Administrative Order on Consent (“Consent Order”), this letter serves as Nu-West Industries, Inc.’s (“Nu-West”) quarterly progress report demonstrating that all activities at Nu-West’s Conda Phosphate Operations (“CPO”) Facility associated with the Consent Order are being carried out.

I. Work Plan for Additional Requirements

The following activities were conducted during the fourth quarter of 2012, pursuant to the EPA-approved *Work Plan for Additional Requirements*:

- Nu-West completed the drilling and geophysical logging of boreholes and construction of monitoring wells at the six locations around the cooling ponds (A-27 through A-32), as detailed in the EPA-approved *Addendum to the Work Plan for Additional Requirements* (June 29, 2012). Two wells were constructed at each location; one in the first water-bearing zone within the basalt sequence and one in the second water-bearing zone within

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the basalt sequence. Borehole summaries and geophysical logging files were provided to EPA and IDEQ for discussion; EPA approved the screen intervals for all wells.

- On October 5, 2012, Nu-West discussed with EPA and IDEQ the use of alternate grout materials for completing monitoring wells. EPA approved the use of Wyo-Ben bentonite-cement grout for sealing the annular space of wells by email on October 5, 2012 and in a follow-up letter on October 15, 2012.
- Nu-West completed the drilling and geophysical logging of boreholes and construction of monitoring wells at the four locations to the west of the Old Gyp Stack (A-18, A-22, A-23, and A-26), as detailed in the EPA-approved *Second Addendum to the Work Plan for Additional Requirements* (July 10, 2012). At locations A-18, A-22, A-23, and A-26, a soil-bedrock interface evaluation was conducted, pursuant to the work plan, which determined that groundwater was not present at the interface. At locations A-22 and A-26, monitoring wells were constructed to target the first water bearing zone within basalt sequence. Borehole summaries and geophysical logging files were provided to EPA and IDEQ for discussion; EPA approved the screen intervals for all wells.
- On December 4, 2012, Nu-West, EPA and IDEQ held a conference call during which Nu-West requested revisions to *Addendum to the Work Plan for Additional Requirements*, *Second Addendum to the Work Plan for Additional Requirements*, and *Revised On-Site Supplemental Investigation Work Plan*. The revisions are summarized below:
 - The minimum two week waiting time to sample new monitoring wells was discussed and agreement was reached on sequencing the sampling such that new wells would be sampled at least a few days after installation. Nu-West agreed to complete the sampling by December 21, 2012, and to make the analytical data available to EPA and IDEQ as it becomes available.
 - Nu-West requested postponing completion of the deeper monitoring wells at the A-34 location. EPA approved the request.
 - Nu-West agreed to submit a report on the 2012 work (as well as earlier work) to EPA and IDEQ on or before February 15, 2013.
- Nu-West sampled the monitoring wells constructed at locations A-22, A-26, A-27 through A-32, and A-34 through A-36 in December 2012. Nu-West will provide the

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laboratory analytical results to EPA as they become available along with the field parameter measurements (pH, conductivity, temperature, turbidity, DO, and ORP).

II. Revised On-Site Supplemental Investigation Work Plan

The following activities were conducted during the fourth quarter of 2012, pursuant to the EPA-approved *Revised On-Site Supplemental Investigation Work Plan* (Aug. 15, 2012):

- On October 2, 2012, EPA approved Nu-West's request of September 19, 2012, to use EPA Methods 903.1 and 904.0 for analysis of Ra-226 and Ra-228, respectively for soil samples SB-96 0-1, SB-96 1-2, and SB-96 4-5 due to insufficient volume for analysis using EPA Method 901.1 as specified in the approved Work Plan.
- Nu-West completed the drilling and geophysical logging of boreholes and construction of monitoring wells at locations A-35 and A-36 in the main plant as detailed in the *Revised On-Site Supplemental Investigation Work Plan*. Two bedrock wells were constructed at each location; one each in the first and second water-bearing zones within the basalt sequence or within the underlying sedimentary sequence. Borehole summaries and geological logging files were provided to EPA and IDEQ for discussion; EPA approved the screen intervals for these wells.
- Nu-West installed the bedrock interface monitoring well at location A-34 in accordance with the *Revised On-Site Supplemental Investigation Work Plan*. Well A-34-022 was screened from 11.5 to 21.5 feet below ground surface using 4-inch diameter Schedule 40 PVC screen and riser. Following development of the well on November 30, 2012, field measurements showed low pH and elevated specific conductance and sulfate concentrations in the water. Based on these findings, Nu-West recommended that bedrock boreholes not be installed at the A-34 location as proposed in the *Revised On-Site Supplemental Investigation Work Plan*.
- On November 7, 2012, Nu-West, EPA, and IDEQ held a conference call to discuss approaches for investigating the source of the observed impacts in groundwater monitoring well A-34-022 and obtaining deeper bedrock aquifer data at or near A-34 (without potentially leading to a vertical conduit to the bedrock aquifer). Nu-West agreed to investigate potential source(s) of the conditions observed at groundwater monitoring well A-34-022, including:



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- reviewing the spill/release history documented in Nu-West's Resource Conservation and Recovery Act (RCRA) 3013 submittal; and
 - reviewing the history of former Tank 27 (sulfuric acid storage tank), removed approximately 10 years ago from the current location of Tank 26 (immediately adjacent to the south of monitoring well A-34-022).
- On November 16, 2012, Nu-West, EPA, and IDEQ held a conference call during which Nu-West agreed to continue investigating the possible source/extent of groundwater impacts, including:
 - investigating tank/piping systems, sumps, etc. for possible ongoing/recent releases/losses that could account for the A-34 impacts.
- On November 20, 2012, Nu-West, EPA, and IDEQ held a follow up conference call during which Nu-West agreed to:
 - provide to EPA and IDEQ by November 30, 2012, a report on what actions had been taken or would be taken to locate the source(s) of the release(s) impacting the subsurface at well A-34, prioritizing the more likely sources such as older infrastructure including sumps.
- On November 30, 2012, Nu-West submitted a report on the initial assessment activities, including the actions undertaken to date and planned activities to locate the source of releases impacting groundwater monitoring well A-34-022. One of the identified actions to be taken was to prepare and provide to EPA and IDEQ by December 20, 2012, a work plan to assess the soil-bedrock interface and the lateral extent of affected groundwater at the interface in the vicinity of monitoring well A-34-022.
- On December 4, 2012, EPA, IDEQ, and Nu-West held a conference call during which EPA and IDEQ requested that Nu-West implement a groundwater monitoring program in the Main Processing Area to assess potential impacts to the bedrock aquifer associated with the conditions identified at the A-34-022 location. Details of the requested monitoring program were further outlined in subsequent correspondence from EPA on December 6 and 10, 2012, and during a conference call on December 10, 2012.
- On December 6, 2012, Nu-West collected groundwater samples from monitoring well A-34-022 and the fire loop. The samples were analyzed for pH, metals, and fluoride and the

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full suite of analytes identified in the *Revised On-Site Supplemental Investigation Work Plan* (WSP 2012). The analytical results confirmed the previous results for groundwater monitoring well A-34-022, the pH of the groundwater sample were 2.0 and 2.4 standard units and antimony, arsenic, beryllium, cadmium, chromium, and thallium were detected at concentrations above their respective EPA Maximum Contaminant Levels (MCLs) or Idaho Primary or Secondary Groundwater Standards.

- Nu-West installed a pressure transducer and data loggers in well A-34-22 the week of December 17, 2012 to monitor and record the water level, temperature, fluid conductivity, and pH. The updated A-34-022 datalogger and pressure transducer file has been uploaded to WSP's FTP site. Nu-West agreed to provide EPA and IDEQ datalogger and pressure transducer files including water level, pH, temperature, and conductivity weekly.
- On December 17, 2012, Nu-West submitted the *A-34 lateral Assessment Work Plan* to EPA and IDEQ. The Work Plan described the scope of work for the installation and sampling of soil borings and groundwater monitoring wells in the vicinity of groundwater monitoring well A-34-022 as well as implementation of a groundwater monitoring program for the Main Processing Area of the facility. EPA disapproved this work plan on December 24, 2012, largely because it did not include a step-drawdown test. Nu-West submitted a revised work plan on January 10, 2012, addressing EPA's comments.

III. Offsite Soil Sampling Plan

- Nu-West submitted to EPA on October 19, 2012 the requested Excel files on the Release Area Decision Unit Upper Concentration Limit calculations contained in the "Report On Background and Historical Release Areas Soil, Nu-West Industries, Inc., Conda Phosphate Operations" (WSP Sept. 27, 2012).

IV. Groundwater Sampling

- Nu-West submitted to EPA and IDEQ on December 4, 2012, the *Groundwater Data Report, Spring 2012*, summarizing the spring 2012 groundwater sampling results at the CPO Facility.
- Nu-West conducted the fall 2012 semi-annual groundwater sampling from October 16, 2012, through October 30, 2012. A report on the groundwater sampling will be submitted to EPA and IDEQ in the first quarter of 2013.



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In accordance with Paragraph Nos. 75 and 76 of the Consent Order, the certification of a duly authorized representative is included as Attachment A to this letter.

If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads "Brian Barner".

for P. Scott Burton

cc: Barry N. Burnell, IDEQ (by email only)
James Cagle, Nu-West (by email only)
Wayne Maxie, Nu-West (by email only)
Jim Bulman, WSP (by email only)

Attachment – Certification

ATTACHMENT A

CERTIFICATION

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature:

James A. Cagle

Name:

James A. Cagle

Title:

Senior Environmental Specialist

Date:

01/15/2013